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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/576,359	05/22/2000	Kenneth B. Moore	REALNET.104A	1848
25943	7590	02/24/2006	EXAMINER	
SCHWABE, WILLIAMSON & WYATT, P.C. PACWEST CENTER, SUITE 1900 1211 SW FIFTH AVENUE PORTLAND, OR 97204			VU, KIEU D	
			ART UNIT	PAPER NUMBER
			2173	
DATE MAILED: 02/24/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/576,359	Applicant(s) MOORE ET AL.	
	Examiner Kieu D. Vu	Art Unit 2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2005 and 25 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14, 15, 25, 26, 28, 29, 34, 35 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14, 15, 25, 26, 28, 29, 34, 35 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the Amendments filed on 05/31/05 and 11/25/05.
2. Claims 14-15, 25-26, 28-29, 34-35, and 38 are pending.
3. The indicated allowability of claims 14-15, 25-26, 28-29, and 34-35 is withdrawn in view of the newly discovered reference(s) to Takahashi et al ("Takahashi", USP 5887193) and Swanson (USP 5603034). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 14-15, 25-26, 28-29, 34-35, and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takahashi et al ("Takahashi", USP 5887193) and Swanson (USP 5603034)

Regarding claims 14 and 15, Takahashi teaches an apparatus comprising a storage medium having stored thereon a plurality of programming instructions designed to enable a media player of the apparatus to receive an identifier of a graphical display object (col 20, lines 34-60), retrieve default definition data of a class related to the graphical display object (col 21, lines 8-14), the class default definition data having default values for a first plurality of elements of the graphical display object (see Fig.

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30), retrieve custom definition data related to the graphical display object (col 21, lines 14-20), the custom definition data having custom values for a second plurality of elements of the graphical display object, one or more of the first and second elements being the same elements (see Fig. 30), build the graphical display object based (col 21, lines 33-57). Takahashi also teaches a processor communicatively coupled to the storage medium to execute the programming instructions (see Fig. 3). Takahashi does not explicitly teaches building the graphical display object based first, on the custom values of the second plurality of elements and then, on the default values of the first plurality of elements that are not included among the second plurality of elements. However, such feature is known in the art as taught by Swanson. Swanson teaches a graphical software editor for selectively modifying graphical resources in software applications which provides a main window graphical user interface object for interaction with the graphical resource editor (col 3, lines 49-54). Swanson further teaches generating graphical object from the custom files (col 7, lines 57-61) (col 8, lines 4-7, lines 42-47). Swanson further teaches using default files when custom files are not available (col 10, lines 8-16). It would have been obvious to one of ordinary skill in the art, having the teaching of Takahashi and Swanson before him at the time the invention was made, to apply Swanson's teaching as addressed above in Takahashi's system with the motivation being to ensure that the custom file is applied first in building graphical object.

Regarding claims 25 and 28, Takahashi teaches the graphical display object relates to a graphical user interface object (Play Button Object, Rec Button Object) (see Fig. 32)

Regarding claims 26 and 29, Takahashi teaches the graphical user interface object includes one or more selected from the group consisting of buttons, windows, menus, and touch sensitive screens (see Fig. 37)

Regarding claims 34-35, Takahashi teaches the media player is an audio player (see Fig. 32)

Regarding claim 38, Takahashi teaches the apparatus is a selected system one from the group consisting of a portable computing device, a portable audio player, a portable video player, a computer workstation, and an interactive television.

6. Applicant's arguments filed on **05/31/05** have been considered but are moot in view of the new ground(s) of rejection.

7. Applicant's amendments filed on **05/31/05** and **11/05/05** necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu. The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

571-273-8300

And / or:

571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kieu D. Vu

Primary Examiner